

REMARKS

Claims 1-18 are pending, and claims 6 and 11-18 have been withdrawn from consideration in view of the election.

The Office Action indicates that claims 4, 5 and 8 are objected to, but would be allowable if written in independent form. However, for the reasons set forth below, it is submitted that all claims should be allowed.

The Office Action rejects claims 1, 2, 9 and 10 under 35 USC 102 over Aoyama (US Pat. 6,026,921), and rejects claims 3 and 7 under 35 USC 103 over Aoyama in view of Kaiser (US Pat. 5,979,158). These rejections are respectfully traversed.

Claims 1 and 10 recite a hybrid vehicle that includes an internal combustion engine and a start time controller (or start time control means) which starts the engine after a predetermined time has elapsed since an instruction for starting the vehicle is given by the operator. This feature is not disclosed in Aoyama, as further explained below.

Aoyama discloses:

"Then, after the engine 2 is started up by means of the motor/generator 1, the clutch 3 is engaged. In the warmed-up state of the engine 2, before the clutch 3 is engaged, as seen in FIG. 6, the intake-valve closing point (IVC) is controlled or adjusted to a retarded valve closure timing, as compared to an intake-valve closing point set in a state where the clutch 3 is engaged. At such a retarded valve closure timing (at a retarded IVC), the engine 2 is started up." See col. 8, lines 27-35.

Thus in Aoyama, before the clutch is engaged, the intake-valve closing point is controlled to a retarded valve closure timing. Aoyama does not disclose starting the engine after a predetermined time period has elapsed since an instruction for starting the vehicle is given by the operator. Aoyama does not disclose any time period being measured after an operator has given a starting instruction, but instead performs a retarded valve closure operation. No predetermined time period is disclosed, and no starting of the engine after elapse of a predetermined time period is disclosed. Accordingly, claims 1 and 10, and all claims dependent therefrom, would not have been obvious over the cited references.

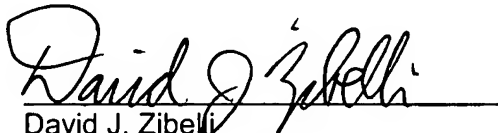
For at least these reasons, it is submitted that the application is in condition for allowance. Prompt consideration and allowance are requested.

The Examiner is invited to contact the undersigned at (202) 220-4334 to discuss any matter concerning this application.

The Office is authorized to any fees due under 37 CFR §§§ 1.16, 1.17 or 1.136 or credit any overpayments to Deposit Account 11-0600.

Respectfully submitted,

Dated: December 28, 2005


David J. Zibelli
Registration No. 36,394

KENYON & KENYON
1500 K Street, N.W. - Suite 700
Washington, D.C. 20005-1257
Tel: (202) 220-4200
Fax: (202) 220-4201
594052